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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,242	12/21/2001	John D. Sotack	A1031	3336

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Rochester, NY 14644

EXAMINER

BHAT, ADITYA S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/024,242		SOTACK, JOHN D.	
	Examiner		Art Unit	
	Aditya S. Bhat		2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

With regards to claims 1-18 the methods recited in the claimed invention do not produce a real life, real world, useful, concrete, and tangible result.

The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)).

A process that consists solely of the manipulation of an abstract idea is not concrete or tangible. See In re Warmerdam, 33 F.3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994). See also Schrader, 22 F.3d at 295, 30 USPQ2d at 1459. Nor can one patent "a novel and useful mathematical formula," Flook, 437 U.S. at 585, 198 USPQ at 195; electromagnetism or steam power, O'Reilly v. Morse, 56 U.S. (15 How.) 62, 113-114 (1853);

Please view the following guidelines to overcome 35 U.S.C. 101 rejection made in this office action.

<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7,12-17,19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al. (USPN 5,400,267) in view of Miyahara (JP 404261382A).

With regards to claim 1, Denen et al. (USPN 5,400,267) teaches an aberrant component detection method comprising:

storing, in a computer memory, a reference current indicative of proper functioning of a particular component; (Col. 9, lines 55-60)

sensing current supplied to a group of components including the particular component; (Col. 9-10, lines 65-68 & 1-5)

comparing the current supplied to the group of components to the reference current; and (Col. 8, lines 60-63) (Col. 9-10, lines 60-63)

With regards to claim 12, Denen et al. (USPN 5,400,267) teaches an aberrant component detection method comprising

the sensed current being supplied to a group of components including the particular component, the reference current being indicative of proper functioning of a particular component and being stored in a computer memory. (Col.10, lines 11-15)

With regards to claim 19, Denen et al. (USPN 5,400,267) teaches an aberrant component detection method comprising:

storing, in a computer memory, a reference current indicative of proper functioning of a particular component; (Col. 9, lines 55-60)

sensing current supplied to a group of components including the particular component while only the particular component draws current (Col. 9-10, lines 65-68 & 1-5) (Col. 3, lines 20-21)

comparing the current supplied to the group of components to the reference current; and (Col. 8, lines 60-63) (Col. 9-10, lines 60-63)

With regards to claim 2, Denen et al. (USPN 5,400,267) recording a result comprises storing the result in a computer memory. (Col. 9, lines 55-56)

With regards to claims 3, 14 and 15 Denen et al. (USPN 5,400,267) teaches the computer memory being non-volatile. (30,40;figures 3-4) (Col. 9, lines 55-56)

With regards to claims 4 and 13, Denen et al. (USPN 5,400,267) teaches recording a result comprises displaying an alert when there is a discrepancy between the reference current and the current supplied to the group of components. (Col. 6, lines 42-43)

With regards to claim 5, Denen et al. (USPN 5,400,267) teaches recording a result includes recording a circuit to which current was supplied during sensing. (Col. 9-10, lines 65-68 & 1-5) (Col. 3, lines 20-21)

With regards to claims 6 and 16, Denen et al. (USPN 5,400,267) teaches sensing current includes sensing while only the particular component draws current. (Col. 9-10, lines 65-68 & 1-5) (Col. 3, lines 20-21)

With regards to claims 7 and 17, Denen et al. (USPN 5,400,267) teaches further comprising allowing access to recorded results. (Col.6, lines 58-64)

With regards to claim 21, Denen et al. (USPN 5,400,267) teaches particular component is itself a group of components and the method is applied recursively to identify an aberrant particular component within the particular component. (Col. 9-10, lines 65-68 & 1-5) (Col. 3, lines 20-21)

Denen et al. (USPN 5,400,267) does not appear to teach recording a result of comparing the current to the reference current.

Miyahara (JP 404261382A) teaches recording a result of comparing the current to the reference current. (See summary)

It would've been obvious to one of ordinary skill in the art at the time of the invention to modify the Denen et al. (USPN 5,400,267) reference to include the step of recording a result of comparing the current to the reference current taught by Miyahara (JP 404261382A) in order to lighten the burden of service man. (see purpose)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al. (USPN 5,400,267) in view of Motoyama (USPN 5,887,216).

Denen et al. (USPN 5,400,267) teaches an aberrant component detection method comprising: storing, in a computer memory, a reference current indicative of proper functioning of a particular component; (Col. 9, lines 55-60) sensing current supplied to a group of components including the particular component; (Col. 9-10, lines 65-68 & 1-5) comparing the current supplied to the group of components to the reference current; and (Col. 8, lines 60-63) (Col. 9-10, lines 60-63) recording a result of comparing the current to the reference current. (Col. 10, lines 11-15)

Denen et al. (USPN 5,400,267) does not explicitly disclose allowing access comprises providing a connection to and allowing access via a computer network.

Denen et al. (USPN 5,400,267) does not explicitly disclose the computer network is the Internet.

Denen et al. (USPN 5,400,267) does not explicitly disclose the allowing access comprises providing a user interface via an on-board display.

Denen et al. (USPN 5,400,267) does not explicitly disclose allowing access comprises providing a port, allowing connection of a computer to the port, and providing access with the connected computer to the stored results.

Denen et al. (USPN 5,400,267) does not explicitly disclose providing a connection to via a computer network, providing a user interface via an onboard display, and providing access via a computer connected to a direct-connect port.

With regards to claim 8, Motoyama (USPN 5,887,216) teaches allowing access comprises providing a connection to and allowing access via a computer network. (Col.4, lines 61-63)

With regards to claim 9, Motoyama (USPN 5,887,216) teaches the computer network is the Internet. (Col.4, lines 51)

With regards to claim 10, Motoyama (USPN 5,887,216) teaches the allowing access comprises providing a user interface via an on-board display. (Col.8, lines 20-21)

With regards to claim 11, Motoyama (USPN 5,887,216) teaches allowing access comprises providing a port, allowing connection of a computer to the port, and providing access with the connected computer to the stored results. (Col. 5, lines 30-40)

With regards to claim 18 and 20, Motoyama (USPN 5,887,216) teaches providing a connection to via a computer network (Col.4, lines 61-63), providing a user interface via an onboard display (Col.8, lines 20-21), and providing access via a computer connected to a direct-connect port. (Col.4, lines 61-63),

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It would be obvious to one skilled in the art at the time of the invention to modify the Denen reference to include the teachings of Motoyama in order to arrive at the claimed invention, in order to communicate a problem to a service center. (Col.3, lines 13-16)

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 703-308-0332. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Aditya Bhat
June 15, 2006

BRYAN BUI
PRIMARY EXAMINER

